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CONSTITUTION OF THE NATIVE VILLAGE OF SLEETMUTE

We, the Native People residing in Sleetmute, Alaska, and citizens of the United States, in order to implement our inherent right to self-government and self-determination and to promote our political social, cultural and economic progress, do hereby ordain and establish this constitution under our inherent sovereign authority.

ARTICLE I – NAME

The name of this organization shall be the Native Village of Sleetmute.

ARTICLE II - TERRITORY

The jurisdiction of the Native Village of Sleetmute shall extend to the lands and waters constituting Indian country of the Native Village of Sleetmute, as defined by federal law. To the extent consistent with federal law, such lands shall include, but are not limited to, all lands and waters customarily and traditionally used by the Sleetmute people, including within such "traditional lands and waters" all lands withdrawn for selection by The Kuskokwim Corporation for The Native Village of Sleetmute, under the Alaska Native Claims Settlement Act (P.L. 92-90), and all fee lands and allotments within the traditional lands of Sleetmute, notwithstanding the issuance of any patent or unrestricted fee title to any such lands.

ARTICLE III - MEMBERSHIP

Section 1. Basic Membership. The basic membership of the Native Village of Sleetmute shall consist of Alaska Natives whose names appear on the base membership role Lineal descendants and adopted children of the original base roll members shall automatically become tribal members.

Section 2. Adoption of Members. In addition to persons described in Section1, the Council shall have the power to adopt any person of Alaska Native or American Indian descent who has physically resided in Sleetmute for a period of at least one (1) year immediately prior to the date of application for membership.

Section 3. Loss of Membership. A member of the Native Village of Sleetmute may not be a member of another tribe. A member may willingly give up his or her membership in the Tribe. The Council may disenroll a member for good cause, including but not limited to membership in another tribe, breaking the oath of Council office, and shall otherwise have the power to make all determinations with respect to loss of membership or membership rights and privileges. Any such determination by the Council on these issues shall be made pursuant to a tribal ordinance adopted under this Constitution, and shall provide the affected member with due process of law in accordance with the Indian Civil Rights Act and all other applicable laws.

Section 4. Regulation of Membership. The Council shall have the power to enact ordinances and resolutions, not inconsistent with this Constitution, prescribing rules and regulations governing membership, loss or relinquishment of membership, adoption of members, honorary members, and loss of membership rights and privileges, including application and appeal procedures.

ARTICLE IV /PART 1 - GOVERNING BODY

Section 1. Name. The governing body of the Native Village of Sleetmute shall be the Sleetmute Traditional Council, or "the Council."

Section 2. Composition. The Council shall consist of five (5) members who shall be elected by a plurality vote. This election must be made with the majority, (over 50%), of qualified voting members of the village present. The Council shall include three (3) officers; a President, Vice President, Secretary/Treasurer, and two (2) Council members. All five Council members are entitled to vote, except on matters involving a conflict of interest. Election of Officers and members are addressed in the Election Ordinance. **(Article V, Section 5, Part One)**

Section 3. Quorum. Three Council members shall constitute a quorum for the transaction of business at any meeting of the Tribal Council.

Section 4. Qualifications for Tribal Council. Any enrolled member of the Native Village of Sleetmute, eighteen (18) years of age or older and living in Sleetmute, and residing in Sleetmute for one continuous year prior to an election, shall be qualified to serve on the Tribal Council.

ARTICLE IV/PART 2 - POWERS OF THE SLEETMUTE TRADITIONAL COUNCIL

Section 1. Powers. The Tribal Council shall exercise the following powers by appropriate activity, motion, resolution or ordinance, subject to any limitations imposed by this Constitution or applicable laws of the United States:

a. To consult, negotiate, contract or conclude agreements with federal, state, local and tribal governments on activities which may affect the Native Village of Sleetmute.
b. To promote and protect the peace, health, education and general welfare of the members of the tribe, and to administer charity and such other services as may contribute to the social and economic development of the tribe and its members.
c. To levy and collect taxes, fees and assessments for the tribal purposes.
d. To regulate the internal procedures of the Tribal Council.
e. To encourage, guard and foster traditional cultural practices of the Sleetmute Native people, including the arts, crafts, religion, language and customs of the Native people of Sleetmute.
f. To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands

or other tribal assets without the consent of the Native Village of Sleetmute.
g. To acquire property and accept gifts.
h. To administer tribal assets including funds and manage all economic affairs and enterprises of the tribe.
i. To engage in tribal economic development enterprises for the benefit of tribal members.
j To provide for the maintenance of law and order and the administration of justice, including the establishment of appropriate tribal courts and other judicial bodies..
k. To enact ordinances consistent with this Constitution for the conduct and administration of all tribal functions.
1. To pass ordinances governing future membership, loss of membership and the adoption of members.
m. To regulate inheritance among members whether by intestacy or otherwise.
n. To administer any funds within the control of the Tribe.
o. To regulate child custody and other domestic relations among tribal members.
p. To protect and preserve the wildlife and natural resources within the area under the jurisdiction of the tribe or upon which its members rely for subsistence.
q. To regulate and control the use of natural resources within those areas under the jurisdiction of the Tribe.
r. To employ legal counsel, the choice of counsel, the fixing of fees, subject to the approval of the Secretary of the Interior, so long as it is required by federal law.
s. To join and/or charter housing authorities.
t. To protect members' rights in personal property.
u. To zone, exercise the power of eminent domain and otherwise regulate all land use within those areas under the jurisdiction of the tribe.
v. To enact ordinances consistent with this Constitution and Federal law for the conduct and regulation of gambling.
w. To enact ordinances, procedures and regulations necessary to give effect to any provisions of this Constitution and to exercise powers not prohibited by federal law.

Section 2. Omissions. Any rights and powers vested in the Sleetmute Traditional Council, but not expressly referred to in this Constitution shall not be lost by reason of their omission, but may be exercised by the Council, upon approval by referendum.

ARTICLE IV /PART 3 - DUTIES OF OFFICERS

Section 1. Assuming Duties. Newly elected officers shall assume their respective office and duties immediately upon being elected and seated.

Section 2. President. The President shall preside at all meetings of the Council and shall have general supervision of the affairs of the Tribal Council. The President will sign, with either the Vice-president or Secretary/Treasurer, all contracts, leases, or other documents approved by a quorum of the Council. He or she shall vote in all cases except on the matter of his or her removal. When the Council is not in session, he or she shall be the official representative of the

Tribe.

Section 3. Vice President. The Vice President shall assist the President when called upon to do so. In absence of the President, he or she shall preside and when so presiding shall have the rights, privileges, duties and responsibilities of the President.

Section 4. Secretary/Treasurer. The Secretary-Treasurer shall preside at meetings of the Council in the absence of the President and Vice-President. The Secretary/Treasurer shall take or delegate the taking of minutes at all meetings and elections. The Secretary/Treasurer shall carry out the financial directives of the Council, receive all local monies and keep accurate account of the receipts and disbursements, except when these duties are otherwise delegated by the Council. The Secretary/Treasurer shall give or delegate to the accountant, the giving of a financial report to the Council on a monthly basis, and all financial reports shall be available for inspection by any member of the tribe.. Upon vacating his or her office, the Secretary/Treasurer shall turn over all the records and papers in his or her possession to his or her successor or to the Council.

ARTICLE IV/PART 4 –MEETINGS

Section 1.Regular Meeting of the Tribal Council. Regular meetings of the Council shall be held monthly: the time, place and date to be designated by the Council. Notice of the meetings shall be posted at least three days prior to meetings in three (3) public places in Sleetmute. All regular meetings shall be open to the tribal membership.

Section 2. Special Meetings. The Council or the President may call a special meeting upon giving at least a one day Notice to tribal members, posted in at least three (3) public places in Sleetmute.

Section 3. Emergency Meetings. The Council may meet for an emergency meeting without Notice when emergency circumstances warrant such a meeting.

Section 4. Executive Session. The Tribal Council may move to meet in a closed executive session during regular, special or emergency meetings of the Tribal Council when the subject matter concerns child welfare, personnel, litigation, tribal enrollment and other matters made confidential by tribal ordinance.

Section 5. Tribal Membership Meetings. A meeting of the tribal membership of the Native Village of Sleetmute shall be held at least once a year in December, for the annual Council election. The date, time and place shall be determined by the Council. A tribal membership meeting may also be called by the Council at any time. The Council is obligated to call a tribal membership meeting upon receipt of a petition signed by at least thirty percent (30%) of the voting tribal members. In the event that the Council fails to call for meeting within thirty (30) days, upon receiving a petition by the tribal membership, tribal members may hold a tribal membership meeting to address any issue, including elections. A quorum of the tribal membership shall consist of thirty percent, (30%), of the qualified voting tribal members at tribal

membership meetings. Notice shall be posted in at least three (3) public places three (3) days prior to any tribal membership meetings.

Section 6. Issues of Permanent or General Interest. All final decisions of the Council on matters of permanent or general interest to members shall be embodied in ordinances. The ordinances shall be collected and made available to village members and others affected upon reasonable request.

Section 7. Issues of Temporary Interest. All final decisions of the Council on matters of temporary interest shall be embodied in resolutions. Resolutions shall be collected and made available to village members and others affected upon reasonable request.

Section 8. Conflict of Interest. No member of the Council may participate in any discussion or vote in any matter relating to that member or his or her immediate family, including the council member's spouse and the spouse's father, mother, brother, sister, wife, husband, son or daughter whether by blood of adoption. A Council member may be hired by the Council to work for the tribal government, but if hired must resign from the Council. No council member may be a member of the Board of Directors of the Kuskokwim Corporation. If elected onto the council, he/she must resign from that organization or forfeit his/her seat on the Sleetmute Village Council.

ARTICLE IV/PART 5 - REMOVAL, RECALL, FORFEITURE, VACANCIES

Section 1. Removal. Any Tribal Council member found guilty by the Tribal Council of neglect of duty, gross misconduct in office, or an offense involving dishonesty may be removed from office by the Tribal Council. Three (3) Tribal Council members must vote in favor of the removal. Voting must be by secret ballot, and the President is entitled to vote. The accused shall have no right to cast a ballot. Before any vote for removal is taken, the person subject to removal shall be given a written statement of the charges against him or her at least ten (10) days before the meeting of the Council at which the person is to appear, and the person shall be given the opportunity to answer any and all charges at the designated Council meeting. If the person subject to removal fails to appear before the Council, the Council shall proceed with the vote as scheduled. The decision of the Council shall be final. No member of the Council may preside over the meeting at which his or her removal is being considered.

Section 2. Recall. Members who are eligible to vote shall have the power to recall any member of the Council. The recall process shall be initiated by filing with the Council a valid petition asking for such recall, signed by at least thirty percent (30%) of the eligible voters, setting forth the reasons for the petition. Within thirty (30) days after receipt of a valid recall petition, the Council shall call and conduct an election to consider the recall of the official named in the petition. In the event that the Council does not call for a special election, members of the tribe may hold a tribal membership meeting to conduct such an election. There must be a quorum of a majority, (over 50%), of eligible voters present to cast their votes. The official shall be removed if a majority, (over 50%), of the eligible voters present, vote in favor of the recall. This vote shall be made by secret ballot. No official shall be subject

to more than one recall in the course of his or her term.

Section 3. Forfeiture. . If any member of the Council shall be found guilty of a felony in any federal or state court, shall die or resign, is a member of the board of directors of The Kuskokwim Corporation and refuses to resign from such organization, or is absent from three successive meetings of the Council without being excused by the Council, he or she shall automatically forfeit his or her office.

Section 4. Vacancies. Any office which has been vacated, whether it be by removal, recall, or forfeiture, shall be filled by appointment by the remaining members of the Council. The replacement member shall serve until the next general membership meeting, at which time the members will elect a replacement to fill the unexpired term of office.

ARTICLE V – ELECTIONS

Section 1. Voter Qualifications. Any duly enrolled member of the Native Village of Sleetmute eighteen (18) years of age or older who has resided in Sleetmute for ninety **(90)** days or longer shall be qualified to vote.

Section 2. General Guidelines for Elections. All elections shall be conducted by secret ballot. Unless otherwise specified by this Constitution, the outcome of an election shall be determined by a plurality vote of the thirty percent,(30%) quorum of qualified members present or voting during the election unless otherwise specified by this Constitution.

Section 3. Tribal Council Elections. The Tribal Council shall set a date every year for regular elections to be held in December in Sleetmute, and shall give at least two (2) weeks Notice of such elections, posted in at least three (3) public places in Sleetmute. If the Tribal Council fails to hold Tribal Council elections the tribal membership may hold a tribal membership election upon gathering a petition signed by at least thirty percent (30%) of the voting tribal members. **(See Article IV / Part 4 / Section 5)**

Section 4. Special Elections. The Council may, by resolution, call a special election upon giving at least a two (2) week Notice to the tribal members, posted in at least three (3) public places in Sleetmute. The Tribal membership has the power to call for special elections, if after petitioning the Council to hold them the Council fails to do so, in the same manner as written in Section 3 of this article.

Section 5. Election Ordinance

Part One: Method of Elections: The Native Village of Sleetmute Traditional Method of Elections will be used for the election of the Sleetmute Traditional Council, hereafter referred to as the Council. The Council consists of three (3) Officers and two (2) Members. The Traditional Method consists of nomination and second of each candidate for each office from the assembled eligible voters, voting by secret ballot, tallying of votes cast, announcement of the winner, and assumption of office.

Part Two: Procedures for Elections:

a. The Council, in its capacity as the Tribal Court, will appoint an Election Judge prior to the election. The Judge shall appoint a committee of assistants, observers and counters as needed. The election committee shall certify the election immediately after the election takes place. In the event of election disputes, the determination of the Election Judge shall be final. No member of the election committee shall at the same time be a member of the Council or a candidate for a position on the Council.

b. Two sign-in sheets will be provided. Each person who attends the election will sign-in on the attendance sheet. Each eligible voter will also attest to their eligibility by signing the Roster of Eligible Voters. An eligible voter must be a member of Tribe, at least 18 years old, and a resident of Sleetmute for at least ninety (90) days immediately preceding the election.

c. The Election Judge will call the meeting to order, and establish a quorum of 30% of eligible voters. The Election Judge will call the meeting to order, and announce the seats open for election.

d. Each candidate must be at least 18 years old, have been a resident of Sleetmute continuously for at least one (1) year immediately preceding the election, and have a felony-free record. State of Alaska Permanent Fund residency eligibility guidelines shall be used to determine the Native Village of Sleetmute residency requirements.

e. Appropriate elections announced in number four (4) of this section will begin accordingly. Elections will begin with the selection of the President and proceed sequentially in descending order culminating with the election of members. The Election Judge will take nominations from the floor for each position; each nomination must be seconded. The Officer elections will be determined by secret ballot with the candidate with the most votes being declared the winner. The two Member positions shall be determined by a single voting by secret ballot, with the two candidates receiving the highest number of votes declared the winners.

f. Each voter will place his or her individual ballot into the ballot box. An Election Official will place a check next the voter's signature on the Roster of Eligible Voters for each of the secret ballots. A voter is not required to vote, in which case no check will be placed on the sign-in sheet.

g. The Election Judge and assistant(s) will count the ballots and determine the winner(s) after each secret ballot.

h. The Election Committee will certify election results.

i. Once all voting is complete, the new Council members will be sworn in. Prior to the assumption of voting rights by a newly-elected member of the Council, he or she must produce a lawful background check as evidence of a felony-free record. Each member must provide the Council a copy of the background check within thirty (30) days following the election and the background check must be less than ninety (90) days old as of the date of the election. If a newly-elected

member fails to produce a background check in the manner described, his or her seat on the Council will become vacant.

j. Newly elected Council members meeting the background check requirements will be sworn in and assume full Council responsibilities immediately. Newly elected Council members not meeting the background check requirements will be sworn in and assume Council responsibilities immediately without voting privileges. In the event a quorum of Council members with voting privileges cannot be established due to background checks, the outgoing Council member in the affected seat shall remain in office until such time that the background check issue is resolved.

ARTICLE VI – POWERS OF THE COUNCIL

Section 1. General Powers. Except as specifically limited by this Constitution, the powers of the Tribe shall be exercised by the Council and shall include all the inherent powers of a federally recognized tribal government, including but not limited to those specified in this Article, which do not violate federal law. The Council may authorize an officer to act in specific circumstances.

Section 2. Internal Procedures. Consistent with this Constitution, the Council may enact rules to govern its internal procedures and organization, and to further define the duties of tribal officers by ordinance.

Section 3. Other Council Powers. In addition to all powers vested in the Tribe or the Council by existing law and this Constitution, the Tribe, acting through the Council, shall have the following powers:

a) To consult, negotiate, contract, or conclude agreements with, and to make recommendations to, federal, state, local and tribal governments on activities which may affect the Native Village of Sleetmute.

b) To promote and protect the peace, health, safety, education and general welfare of the members of the tribe and to administer charity and such other services as may contribute to the social and economic development of the Tribe and its members.

c) To levy and collect taxes, fees and assessments for the Tribe's purposes.

d) To encourage, guard, and foster the traditional cultural practices of the Sleetmute Native people, including their arts, crafts, religion, language and customs.

e) To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the Tribe.

f) To acquire property and to accept gifts.

g) to receive advice from and make recommendations to the Secretary of the Interior with regard to all appropriation estimates for all projects which are for the benefit of tribal members of the Native Village of Sleetmute prior to the submission of such estimates to the Office of Management and Budget and to Congress.

h) To administer tribal assets, and to manage all economic affairs and enterprises of the Tribe.

i) To engage in economic development enterprises for the benefit of all tribal members.

j) To provide for the maintenance of law and order and the administrative of justice, including the establishment of appropriate tribal courts or other judicial bodies.

k) To enact ordinances and regulations consistent with this Constitution for the conduct and administration of all tribal functions, including but not limited to the conduct and administration of all tribal elections, the appointment of an election committee, and the regulation of the committee's duties.

l) To enact ordinances, rules or regulations governing future membership, los of membership, and the adoption of members.

m) To regulate inheritance among members whether by intestacy or otherwise:

n) To administer any funds within the control of the Tribe.

o) To regulate child custody and other domestic relations among members.

p) To protect and preserve the wildlife and natural resources within the area under jurisdiction of the Tribe or upon which its members rely for subsistence.

q) To regulate and control the use of natural resources within the area under the jurisdiction of the Tribe.

r) To employ legal counsel, the choice of counsel, and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative so long as such approval is required by Federal law.

s) To join and/or charter housing authorities.

t) To protect members' rights in personal property.

u) To charter enterprises, corporations, and associations.

v) To zone, exercise the power of eminent domain, and otherwise regulate all land use within those areas under the jurisdiction or the Tribe.

w) To authorize or direct subordinate boards, committees, or officials to administer the affairs of the Tribe and to carry out the directives of the Council.

x) To enact ordinances, procedures and regulations necessary to give effect to any provision of this Constitution and to exercise any power not prohibited by federal law.

ARTICLE VII - RIGHTS OF MEMBERS

Section 1. All members of the Tribe shall enjoy without hindrance equal rights of life, liberty, and the pursuit of happiness.

Section 2. This Constitution shall not in any way alter, abridge, or otherwise jeopardize the rights and privileges of the members of the Tribe as citizens of the State of Alaska or the United States.

Section 3. Tribal members shall have the right to review all tribal records, including financial records at any reasonable time in accordance with procedures established by the Council, except in child welfare cases, litigation, personnel, enrollment records or other confidential records as defined by tribal ordinance.

Section 4. Tribal members shall have equal rights to use tribally owned lands.

Section 5. The Native Village of Sleetmute, in exercising its power of self-government, shall not deny to any person within its jurisdiction freedom of speech, press, or religion, or the right to assemble peacefully. The tribal government shall not deny to any person the equal protection of tribal laws or deprive any person of liberty or property without due process of law. The right shall provide to all persons within its jurisdiction the rights guaranteed by the Indian Civil Rights Act of 1968.

ARTICLE VIII - POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Initiative. The eligible voters of the Tribe shall have the right to propose and rescind legislative ordinances and resolutions by secret ballot. Upon receipt of a valid petition signed by at least thirty percent (30%) of the eligible voters, the Council shall call an election to be conducted by the election committee no later than thirty (30) days after receipt of the petition. In the event that the Council does not call for a special election, members of the tribe may hold a tribal membership meeting to conduct such an election. An affirmative vote by at least a majority, (over 50%) of the eligible voters present or voting shall be required to determine the issues or questions submitted to the voters.

Section 2. Referendum. The Council, by an affirmative vote of at least three (3) of its members shall call an election, to be conducted within thirty (30) days of such decision by the Council, for the purpose of deciding by secret ballot issues or questions that are within the authority of the Council. A quorum of thirty percent (30%) of the eligible voters must be present at such an election. An affirmative vote by at least a majority, (over 50%), of the eligible voters present or voting shall be required to determine the issues or questions submitted to the voters.

Section 3. Decisions of Tribal Members. The decision of the voters in both initiative and referendum elections shall be binding on the Council and the Tribe, and shall remain in full force until amended or rescinded by subsequent action of the voters or it expires by its own terms.

ARTICLE IX- POWERS RESERVED TO MEMBERSHIP

- The Tribe is composed of its members, and derives all its power and authority from those members.
- The Council is formed by the Tribe, and lent Tribal authority to represent the Tribe, exercise the Tribe's will, and act in the best interests of the Tribe.
- The Council serves the Tribe and - at its direction.
- Nothing in this Constitution may be construed to deprive Tribal members from asserting their collective authority over the Sleetmute Traditional Council when a sufficient percentage of the Tribe believes it is necessary. **(See Article IV/ Parts 4 & 5, /Article V/ Sections 3 & 4)**
- **The following powers are specifically reserved to the entire Tribal membership acting through a general tribal membership meeting or a properly called election: No lands or interests in lands owned by the Tribe may be sold, encumbered, or disposed of without the favorable vote of at least a majority of the qualified voters of the entire tribal membership.**

ARTICLE X - SOVEREIGN IMMUNITY OF THE NATIVE VILLAGE OF SLEETMUTE

Nothing in this Constitution shall be deemed or construed to be a waiver of the sovereign immunity of the Native Village of Sleetmute, which may only be waived by express resolution of the Council, after receiving an affirmative vote of the majority of the qualified voters, and only to the extent specified in such resolution and permitted by this Constitution and federal law, provided however that the Council shall have the authority to waive the sovereign immunity of the Village of Sleetmute for the purposes of satisfying the conditions or requirements of Federal or State grants or contracts. Waivers of sovereign immunity shall not be general but must be specific and limited as to duration, grantee, transaction, property or funds, if any, the Tribe subject to the waiver, as well *as* specific to the court having jurisdiction and applicable law.

Waiver of sovereign immunity of the Tribe shall not be deemed a general consent to the levy of any judgment, lien, or attachment upon property of the Tribe other than property specifically pledged, assigned, or otherwise explicitly subject to levy in the waiver resolution.

ARTICLE XI - SEVERABILITY

If any provision of this Constitution shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XII - SAVINGS

Unless inconsistent with this Constitution, all previous tribal ordinances and resolutions' enacted prior to the effective date of this Constitution shall remain in full force and effect.

ARTICLE XIII - AMENDMENTS

This Constitution may be amended by a majority, (over 50%), vote of the qualified voters of the Native Village of Sleetmute, voting in an election called for that purpose, provided that at least thirty percent (30%) of those qualified to vote shall vote in such election. The President shall call an election on a proposed constitutional amendment if so requested either by at least three (3) Council members or upon receipt of a petition of at least thirty percent (30%) of the eligible voters.

ARTICLE XIV - ADOPTION

This Constitution shall be adopted when approved by a majority, (over 50%), vote of the qualified voters of the Native Village of Sleetmute voting at an election called for that purpose in which at least thirty percent (30%) of those qualified to vote shall vote.

CERTIFICATION OF ADOPTION

We, the undersigned members of the Native Village of Sleetmute, having been chosen to be the election board, certify that we were present at an election called for the purpose of adopting this Constitution on 11/1/2011 that the foregoing was duly adopted at such election by a vote of 15 for, 1 against; and 0 invalid in which at least thirty percent (30%) of the members qualified to vote cast their ballot.

Andrew Frederick
Election Commitee Judge

Election Commitee Member

Election Commitee Member

Election Commitee Member